

HOUSE SUBSTITUTE TO SENATE BILL 396:

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 50 of the Official Code of Georgia Annotated, relating to state government,
2 so as to clarify the definition of an agency to which such provisions are applicable to include
3 county boards of equalization and county boards of tax assessors; to change certain
4 provisions relating to government meetings which are not required to be open to the public;
5 to change certain provisions relating to government records which are not required to be
6 disclosed to the public; to provide an effective date; to repeal conflicting laws; and for other
7 purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

9 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended
10 in Code Section 50-14-1, relating to definitions regarding open and public meetings, by
11 striking subparagraph (a)(1)(C) and inserting in its place a new subparagraph (a)(1)(C) to
12 read as follows:
13

14 "(C) Every department, agency, board, bureau, commission, authority, or similar body
15 of each such county, municipal corporation, or other political subdivision of the state,
16 Without limiting the generality of the foregoing, this subparagraph shall include, but
17 not be limited to, every county board of equalization and every county board of tax
18 assessors;"

SECTION 2.

19 Said title is further amended in Code Section 50-14-3, relating to government meetings
20 which are not required to be open to the public, by striking the word "and" at the end of
21 paragraph (7); by replacing the period at the end of paragraph (8) with the word and symbol
22 "; and"; and by adding a new paragraph (9) to read as follows:
23

24 "(9) Meetings when discussing any records which are exempt from public inspection or
25 disclosure pursuant to paragraph (15) of subsection (a) of Code Section 50-18-72 or when

1 discussing any information a record of which would be exempt from public inspection or
2 disclosure under said paragraph."

3 **SECTION 3.**

4 Said title is further amended in subsection (a) of Code Section 50-18-72, relating to
5 government records which are not required to be disclosed to the public, by striking the word
6 "or" at the end of paragraph (13.1); by replacing the period at the end of paragraph (14) with
7 the symbol and word "; or"; and by adding a new paragraph (15) to read as follows:

8 "(15) Records which would compromise the security against terrorist attack of one or
9 more government facilities or operations by revealing any of the following:

10 (A) The elements of a plan for protection against terrorist or other attack, which plan
11 elements depend for their effectiveness in whole or in part upon a lack of general public
12 knowledge of such elements;

13 (B) The existence, nature, location, or function of security devices designed to protect
14 against terrorist or other attack, which devices depend for their effectiveness in whole
15 or in part upon a lack of general public knowledge of such devices;

16 (C) Plans, blueprints, or other materials which would reveal information about the
17 structure or function of a government facility, which information is not already general
18 public knowledge and which information if made publicly available could facilitate the
19 planning of a terrorist or other attack against or by means of the facility. By way of
20 illustration and not limitation, information protected under this subparagraph may
21 include information concerning such things as: the location and function of nonpublic
22 points of entry to and exit from government facilities; the location and function of
23 government facility ventilation and utility systems; the location and function of
24 government facility computers; and the location and function of generation, processing,
25 and transmission facilities used in water, gas, electric, and other utility systems and
26 plants operated by any agency; or

27 (D) In the event of litigation challenging nondisclosure by an agency, the court may
28 review the documents in question in camera and may condition disclosure upon such
29 measures as the court may find in writing to be necessary to protect against
30 endangerment of life, safety or public property."

31 **SECTION 4.**

32 This Act shall become effective upon its approval by the Governor or upon its becoming law
33 without such approval.

34 **SECTION 5.**

- 1 All laws and parts of laws in conflict with this Act are repealed.